

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CRS, LLC,

Plaintiff,

v.

BITARTS, LTD., *et al.*,

Defendants.

Case No. C05-0437L

ORDER REGARDING MOTION
TO STAY DISCOVERY AND TO
EXTEND TIME TO FILE REPLY

This matter comes before the Court on defendants' motion to stay order regarding initial disclosures, joint status report, and early settlement and to extend time to file reply memorandum. (Dkt. #20).

Defendants request a stay of the Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (the "Order") pending resolution of their motion to dismiss for lack of personal jurisdiction, noted for consideration on June 3, 2005.¹ Defendants' motion to dismiss is hotly contested. Moreover, the purpose of the initial disclosure requirements is to expedite the discovery process, and plaintiff is entitled to discovery on the issue of jurisdiction.


¹ Pursuant to the Order, the parties must conduct the Rule 26(f) conference by June 6, exchange initial disclosures by June 13, and file their Combined Joint Status Report by June 20, 2005.

1 In sum, defendants have not met their burden of showing that discovery should be denied.

2 Defendants have also requested a two-week extension to file their reply in support of
3 their motion to dismiss for lack of personal jurisdiction; the reply is currently due on June 3,
4 2005. Defendants state that their reply is due during the week of Memorial Day, effectively
5 giving them only three days to prepare and file their reply. Defendants, however, chose to file
6 their motion on a date that made their reply due during a shortened holiday week, so they have
7 no one but themselves to blame for this timing. Defendants also argue that plaintiff has
8 submitted approximately 180 pages of response materials, including its memorandum and
9 supporting documents. The volume of paper, however, is not unusual or unexpected in response
10 to a dispositive motion.² Nevertheless, because defendants aver that they will experience delay
11 communicating with witnesses in England, the Court will allow them to file their reply
12 memorandum no later than 5:00 p.m. on Wednesday, June 8, 2005.

13 For the foregoing reasons, the Court GRANTS IN PART AND DENIES IN PART
14 defendants' motion to stay order regarding initial disclosures, joint status report, and early
15 settlement and to extend time to file reply memorandum. (Dkt. #20). Defendants' motion to
16 expedite the consideration of their motion to stay (Dkt. #27) is STRICKEN as moot. The Clerk
17 of Court is directed to re-note defendants' motion to dismiss for lack of jurisdiction (Dkt. #15)
18 for June 8, 2005.

19 DATED this 3rd day of June, 2005.

20
21 
22 Robert S. Lasnik
23 United States District Judge

24 ² Defendants also note that plaintiff has filed a motion to amend the complaint to add a
25 new party, and judicial economy would be best served by filing their reply to respond to that
26 "live pleading." The existence of personal jurisdiction over defendants, however, will not
change by the addition of another party.